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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,419	04/22/2005	Leif Hansen	KN-87PCT	1776
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FRIEDRICH KUEFFNER 317 MADISON AVENUE, SUITE 910 NEW YORK, NY 10017			EXAMINER ELAADIL, LAHCEN	
			ART UNIT 3709	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/532,419

Applicant(s)

HANSEN ET AL.

Examiner

Lahcen elaadil

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3709

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 4/22/05 and 8/29/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. In response to the Preliminary Amendment filed on April 22, 2005, claims 1-14 are pending. In addition, applicant is informed that the German Patent No. DE 38 31 965 A and DE 197 17 965 A cited in the Information Disclosure Statement (IDS) filed on April 22, 2005 is not considered by the Examiner, because it does not comply with 37 CFR 1.98. 37 CFR 1.98(a)(2) requires a legible copy of: (1) each foreign patent; (2) each publication or that portion which caused it to be listed; (3) for each cited pending U.S. application, the application specification including claims, and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion, unless the cited pending U.S. application is stored in the Image File Wrapper (IFW) system; and (4) all other information, or that portion which caused it to be listed. In addition, each IDS must include a list of all patents, publications, applications, or other information submitted for consideration by the Office (see 37 CFR 1.98(a)(1) and (b)), and MPEP § 609.04(a), subsection I. states, "the list ... must be submitted on a separate paper." Therefore, the references cited in the Search Report have not been considered. Applicant is advised that the date of submission of any item of information or any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the IDS, including all "statement" requirements of 37 CFR 1.97(e). See MPEP § 609.05(a). Further, the German Patent No. DE 697 03 069 A, the Publication of "Catalog of "Sachsenhydraulik GMBH Chemnitz"", the "Brochure of "Hochdruck - Und Sonderhydraulik GMBH"", and the "Description concerning "Hochdruck - Kleinaggregate 2000 Bar"" cited in the IDS filed on August 29, 2005 are also not considered by the Examiner, because they fail to comply with 37 CFR 1.98(a)(3) wherein they do not include a

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concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Specification***

2. The abstract of the disclosure is objected to because it does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text. Moreover, the abstract of the disclosure is also objected to because the legal phraseology often used in patent claims, such as “said”, should be avoided. Correction is required. See MPEP § 608.01(b).

3. The disclosure is objected to because of the following informalities: The reference numbers for “connections 5 and 7” are referred to as “outlets” in the specification (page 15, lines 3 and 8). Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Regarding claim 1, the word “especially” is unclear, confusing and indefinite, because it is not understood as to whether it is comprising, or including, or further limiting the structural elements as claimed to the next referred structural element. In addition, the antecedent basis for the “pressure booster (6)” has not been clearly set forth.

Regarding claim 2-14, the preamble is misdescriptive, because it is not understood as to whether the “unit” as claimed is directed to the “fluid supply unit” or the “hydraulic supply unit”. Further, the reference numbers for the claimed “connections 5 and 7” are also misdescriptive, because these reference numbers are referred to as “outlets” in claim 1 and in the specification (page 15, lines 3 and 8). Further, the term “which” (regarding claims 2 and 4) is also unclear and confusing. It is not understood as to which structural element the term “which” refers to. Furthermore, the antecedent basis for the “two housing parts” (claim 4), “tank” (claim 5), “the housing” (claims 6 and 11), “motor” (claim 8), “battery” (claim 11), “at least some parts” (claim 13), “pressure relief valve” and “low-pressure connection” (claim 14) are lacking.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-7 and 12 as best understood are rejected under 35 U.S.C. 102(b) as anticipated by Anaker (U.S. Pat. No. 4,671,063).

Regarding claim 1, figure 2 of Anaker teaches that the fluid supply unit having the pressure booster (i.e. hydraulic intensifier) is mechanically and rigidly connected between the pressure generator (i.e. low pressure pump 28) and the outlet (i.e. fitting 83). The teaching of Anaker refers to the pressure generator (low pressure pump 28) and to the pressure booster (high pressure pump 27, piston block 71, and all other valves and passage ways on the upper portion of the housing (case 30), above cap 41, that contribute to the boosting cycle) as the hydraulic intensifier 13. However, it is the examiner position that even if the pressure generator (low pressure pump 28) were to be separated from the housing (case 30), the remaining structure would still functioned as a pressure booster (intensifier), since the role of the pressure generator (low pressure pump 28) is to discharge low pressured liquid to the booster; and the booster in this case is composed of all the components in the upper portion of the housing (case 30) above cap 41.

Regarding claim 2, figures 1 and 2 of Anaker teach that the pressure generator (i.e. low pressure pump 28) is in a common housing (case 30) with the pressure booster (which is the upper portion of the housing (case 30) that comprises the components that contribute to the boosting cycle). In addition, figure 2 of Anaker discloses that the connection (delivery line 63) runs between the pressure generator (low pressure 28) and the pressure booster (which is the upper portion of the housing (case 30) that comprises the components that contribute to the boosting cycle), and then connection (passage 82) runs from the pressure booster to the outlet (fitting 83). See column 4, lines 32-44.

Regarding claim 3, Anaker teaches, in figure 2, that the housing (case 30) is constructed of more than one part, which includes the housing (25), and caps (40, 41, and 42).

Regarding claim 4, it is known in the art that by connecting the housing of the pressure generator (low pressure pump 28) to the housing (case 30), a joining interface would be formed between the two.

Regarding claim 5, the teaching of Anaker discloses that the tank (sump 24) is rigidly connected (i.e. within the housing (case 30)) with both the pressure generator (low pressure pump 28) and the pressure booster. It is noted that the tank (sump 24) is defined within the housing (case 30), which renders it to be rigidly connected to it (column 2, lines 53-54).

Regarding claim 6, Anaker teaches that the tank (sump 24) is integrated in the housing (case 30) (column 2, lines 53-54).

Regarding claim 7, Anaker teaches, in figure 2, that the pressure booster (i.e. intensifier) is axially arranged with the pressure generator (low pressure pump 28).

Regarding claim 8, Anaker teaches that the motor (26) is mechanically and rigidly connected to the pressure generator (low pressure pump 28).

Regarding claim 9, Anaker also teaches that the motor (26) and the pressure generator (low pressure pump 28) have a common shaft (54).

Regarding claim 12, Anaker teaches in the description (column 4, lines 7-9) that the pump is of a Gerotor-type, which comprises a set of gears (ring (58) and a rotor (59)).

### ***Claim Rejections - 35 USC § 103***

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any

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evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anaker (US Pat. No. 4,671,063).

Regarding claim 13, it is noted that the teaching of Anaker does not specifically disclose that some part of the pressure booster are made of light metal or plastic as required. However, such feature of using light metal or plastic to make the booster is considered obvious and a



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design choice, because it has been held to be within the general skill in the art to select a known material on the basis of its suitability for the intended use.

Regarding claim 14, figure 2 of Anaker teaches that the pressure relief valve (relief valve 64) is connected at the outlet pressure generator (i.e. low pressure pump 28) and discharges the excess fluid when the pressure at the outlet exceeds a preset magnitude before it travels through the delivery line (62) and then into the delivery line (63) (column 4, lines 9-16). It is noted that Anaker does not explicitly indicate where the fluid gets discharged as required. However, it is obvious to the person skilled in the art to recognize that the excess fluid would either be discharged back to the tank through a direct line, or in conjunction with another line (low-pressure connection in this case) that has the same pressure as the tank's inlet. The determination of choosing the way the relief valve (relief valve 64) would be linked to the tank is a design preference, but in either case, it would be obvious to the person skilled in the art that such determination would not contribute to the improvement of the system as whole.

10. Claim 10 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Anaker (US Pat. No. 4,671,063) in view of Hokky (US Pat. No. 4,086,034).

Regarding claim 10, it is noted that the teaching of Anaker does not explicitly disclose the electric motor as required. However, Hokky discloses that such feature of the motor (motor unit 10) is an electric motor (column 1, lines 1-4) is old and well known. Hence, it would have been obvious to the one having ordinary skill in the art at the time of the invention to modify the unit of Anaker with the feature of the electric motor as taught by Hokky, so as to connect the motor to the pressure generator in such a manner.

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11. Claim 11 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Anaker (US Pat. No. 4,671,063) in view of Hokky (US Pat. No. 4,086,034) and further in view Vogelsanger (US Pat. No. 6,092,290).

The teachings of Anaker and Vogelsanger teach in figures 1 and 2, respectively, the limitation of having the pressure generator rigidly and mechanically connected to the electric motor. In addition, Hokky also teaches the limitation of having a common shaft between the pressure generator and the electric motor. Furthermore, Vogelsanger teaches in figure 2 the limitation of having the battery (battery pack 36) housed in the housing (casing 31). Therefore, it would have been obvious to the one having ordinary skill in the art at the time of the invention to choose a battery as a power source for the electric motor and have it integrated in the housing, especially, if a compact design is considered.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Good (US Pat. No. 3,837,076) teaches, in figures 17-19 and in the description (column 4, lines 55-60), that the fluid supply unit having the pressure booster (i.e. intensifier 10) is mechanically connected between the pressure generator (i.e. pump 12) and the outlet (i.e. inlet of hose line 8). Good does not explicitly disclose that the pressure booster is rigidly and mechanically connected with the pressure generator. However, such limitation of rigid and mechanical connection between the pressure generator and the pressure booster is inherently

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known in the art and is also considered an obvious alternative design choice, especially, if the friction losses due to long piping connections were to be minimized.

Gilbert (US Pat. No. 4,845,982) also teaches the feature of mechanically connecting the booster (multiplier) between the pump and the outlet.

Hill et al. (US Pat. No. 4,680,879) teaches, in figure 5 and in the description (column 2, lines 3-11), that the electric motor (motor 20) is mechanically and rigidly connected to the pressure generator (pump 22). It also teaches that both the electric motor and the pressure generator share a common shaft (shaft 28).

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lahcen Elaadil whose telephone number is (571) 272-3546. The examiner can normally be reached on Monday-Friday 7:30am-5:00pm (Eastern Time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joe Cheng can be reached on 571-272-4433. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

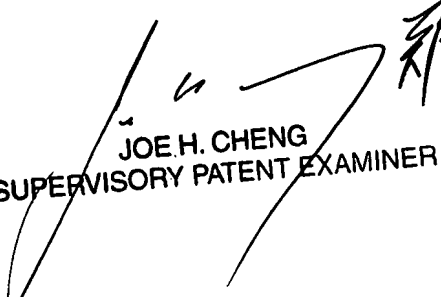
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8/9/2007

  
JOE H. CHENG  
SUPERVISORY PATENT EXAMINER